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Attorneys for Defendant  
Novartis Pharmaceuticals Corporation

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

PLEXXIKON INC.,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS  
CORPORATION,

Defendant.

Case No. 4:17-cv-04405-HSG

**STIPULATION AND ORDER RE LEAVE  
TO FILE AMENDED JOINT PROPOSED  
JURY INSTRUCTIONS**

Date: December 3, 2019  
Time: 3:00 p.m.  
Ct rm: 2 – 4th Floor  
Judge: Honorable Haywood S. Gilliam, Jr.

1 Pursuant to Civil L.R. 7-12, Plaintiff Plexxikon Inc. ("Plexxikon") and Defendant Novartis  
2 Pharmaceuticals Corporation ("Novartis") (collectively, "the parties") hereby jointly request that the Court  
3 grant leave to file the attached Amended Joint Jury Instructions (Ex. A).

4 **I. FACTS**

5 The parties first filed Joint Proposed Jury Instructions on October 18, 2019. (ECF No. 309). The  
6 Court held a case management conference on December 3, 2019, at which it directed the parties "to meet  
7 and confer regarding substantive jury instructions and e-file by December 20th a revised set of complete  
8 jury instructions." ECF Nos. 347; *see also* ECF No. 352 at 10:12-19, 12:11. Pursuant to that order, the  
9 parties filed a revised set of complete jury instructions on December 20, 2019. (ECF No. 357).

10 On December 23, 2019, Plexxikon revised its proposal for Disputed Final Instruction No. 27.  
11 Thereafter, the parties exchanged revised one-page position statements. Plexxikon's revised proposal and  
12 the parties' updated position statements are incorporated in the attached Amended Joint Proposed Jury  
13 Instructions (Exhibit A), which the parties seek leave to file.


14 The Court has set March 25, 2020 for a hearing on jury instructions. ECF No. 347.

15 **II. DISCUSSION**

16 Good cause exists for the Court to grant leave because the proposed changes to the current Joint  
17 Proposed Jury Instructions (ECF No. 357) reflect the parties' continued work to resolve disputes regarding  
18 the jury instructions. Accordingly, the parties respectfully request that they be permitted to file the  
19 attached Amended Joint Jury Instructions (Ex. A).

20  
21 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

22  
23  
24  
25 1/3/2020  
26 Date

  
27 Hon. Haywood S. Gilliam, Jr.  
28 United States District Judge